

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 ADRIAN TL JOHNSON,

4 Plaintiff

5 v.

6 SGT. BERNDT, *et al.*,

7 Defendants

Case No. 2:20-cv-00150-JAD-EJY

**ORDER**

8 **I. DISCUSSION**

9 Plaintiff, who is an inmate in the custody of the Nevada Department of Corrections  
10 (“NDOC”), has submitted a civil rights complaint pursuant to 42 U.S.C. § 1983 and has filed an  
11 application to proceed *in forma pauperis*. (ECF Nos. 1, 1-1).

12 Plaintiff’s application to proceed *in forma pauperis* is incomplete. Pursuant to 28 U.S.C. §  
13 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed *in forma*  
14 *pauperis* on this Court’s approved form and attach both an inmate account statement for the past six  
15 months and a properly executed financial certificate. Plaintiff has *not* submitted an application to  
16 proceed *in forma pauperis* on this Court’s approved form and has *not* included a properly executed  
17 financial certificate with his application. (*See* ECF No. 1). As such, the *in forma pauperis*  
18 application is denied without prejudice. The Court will retain Plaintiff’s civil rights complaint (ECF  
19 No. 1-1), but will not file it until the matter of the payment of the filing fee is resolved. Plaintiff will  
20 be granted an opportunity to cure the deficiencies of his application to proceed *in forma pauperis*,  
21 or in the alternative, pay the full filing fee for this action. If Plaintiff chooses to file a new application  
22 to proceed *in forma pauperis* he must file a fully complete application to proceed *in forma pauperis*.

23 **II. CONCLUSION**

24 For the foregoing reasons, IT IS HEREBY ORDERED that Plaintiff’s application to proceed  
25 *in forma pauperis* (ECF No. 1) is DENIED without prejudice to file a new application.  
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1 IT IS FURTHER ORDERED that the Clerk of the Court WILL SEND Plaintiff the approved  
2 form application to proceed *in forma pauperis* by a prisoner, as well as the document entitled  
3 information and instructions for filing an *in forma pauperis* application.

4 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this Order,  
5 Plaintiff will either: (1) file a fully complete application to proceed *in forma pauperis*, on the correct  
6 form with complete financial attachments in compliance with 28 U.S.C. § 1915(a); or (2) pay the  
7 full \$400 fee for filing a civil action (which includes the \$350 filing fee and the \$50 administrative  
8 fee).

9 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this Order,  
10 dismissal of this action may result.

11 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint (ECF No.  
12 1-1) but will not file it at this time.

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14 DATED: January 24, 2020

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16 UNITED STATES MAGISTRATE JUDGE  
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